



THE CITY OF NEW YORK  
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July 11, 2016

**BY ECF**

Honorable Paul G. Gardephe  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: Kenneth Creighton v. City of New York, et al., 1:12-cv-07454-PGG-DCF

Your Honor:

I am a Senior Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney representing defendants in the above-referenced matter. I am writing on behalf of defendants, and with the consent of plaintiff's counsel, to respectfully request an extension of the deadline for the joint pretrial order, motions *in limine*, proposed *voir dire*, and requests to charge, from August 1, 2016 to September 6, 2016, and an extension of the deadline to respond to motions *in limine*, from August 8, 2016 to September 20, 2016.

Defendants are mindful that Your Honor has previously denied the parties' joint request, filed by plaintiff, that the deadlines for the pre-trial submissions be adjourned pending decision on the parties' motions for summary judgment. However, defendants present request seeks to extend the deadlines to a date certain.

Defendants respectfully submit that the proposed deadlines will not affect the October 3, 2016 trial date, although defendants also respectfully submit that, because all of plaintiff's claims should be dismissed in their entirety with prejudice, as explained in their motion for summary judgment, no trial will be necessary in this case. At the very least, defendants respectfully submit that a ruling on their motion for summary judgment will serve to narrow the issues and the parties.

Under the current schedule, the parties will have less than one week from the time reply motions with respect to the parties' summary judgment motions are due to prepare their pre-trial

submissions. Such a schedule would place an enormous burden on the parties, particularly where, as here, both parties have moved for summary judgment, thereby requiring several substantial submissions. Defendants also note that, as plaintiff has just recently served two expert reports, they are contemplating corresponding *Daubert* motions.

An extension of the current schedule would not require movement of the trial date. As Your Honor will recall, the deadlines with respect to pre-trial submissions were initially set with an eye towards a trial beginning on August 15, 2016. However, plaintiff's counsel informed the Court that, due to pre-planned vacation scheduling, they would not be available for a trial at that time and the trial date was subsequently moved to October 3, 2016.

The requested extension will allow the parties sufficient time to prepare their substantial pre-trial submissions, while taking into consideration plaintiff counsel's pre-planned vacation schedules.

Accordingly, defendants respectfully request an extension of the deadlines for the joint pretrial order, motions *in limine*, proposed *voir dire*, and requests to charge, from August 1, 2016 to September 6, 2016, and an extension of the deadline to respond to motions *in limine*, from August 8, 2016 to September 20, 2016.

Thank for you for your consideration of this matter.

Respectfully submitted,

/s/ Kevin Thadani

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cc: **BY ECF**  
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